

REMARKS

This Amendment serves as the submission accompanying Applicants' Request for Continued Examination (RCE) filed pursuant to 37 C.F.R. §1.114. By final Office Action mailed July 3, 2006 and Advisory Action mailed October 17, 2006, pending claims 1-10 and 12 stand rejected and claim 11 stands objected to, reconsideration of which is respectfully requested in view of the above amendments and the following remarks. By way of Applicants' prior Amendment filed October 2, 2006, claim 1 was amended and claim 11 was cancelled. By way of this Amendment, claims 1, 5 and 10 have been further amended and claim 4 has been cancelled. Accordingly, claims 1-3, 5-10 and 12 are now pending.

Advisory Action

In the Advisory Action mailed October 17, 2006, the Examiner asserts that the recitation "providing a gas diffusion electrode having a sintered catalyst layer coated on a second gas diffusion layer, wherein sintering of the catalyst layer is at a temperature between about 330°C and 420°C" in claim 1 does not have support in the present application and that present application only supports sintering of the anode catalyst layer (not the cathode catalyst layer).

Although Applicants respectfully disagree with the Examiner's view, in order to expedite examination, Applicants have (i) further amended claim 1 to incorporate the limitation of previously pending claim 4, namely, to specify that the "the sintered catalyst layer is the *anode* catalyst layer" (emphasis added), (ii) cancelled claim 4 and (iii) amended claims 5 and 10 to depend from claim 1, rather than claim 4. Applicants submit that no new matter has been added by way of these amendments.

As noted in Applicants' prior Amendment filed October 2, 2006, the Examiner has indicated that previously pending claim 11 would be allowable if written in independent form (so as not to depend upon a rejected base claim) because "the prior art does not disclose or suggest the sintering of the anode catalyst layer is at a temperature between about 330°C and 420°C." Although Applicants have not incorporated all of the limitations of previously pending claim 11 into claim 1 – for example, Applicants have not amended claim 1 to recite the limitations of pending claim 10 – Applicants have incorporated the elements of claim 11 relied

Application No. 10/601,275
Reply to Office Action mailed July 3, 2006 and Advisory Action mailed October 17, 2006

upon by the Examiner – namely, the recited sintering temperature range of the anode catalyst layer. In view of the Examiner's finding that the prior art does not disclose such sintering temperatures, Applicants submit that the pending claims are now allowable.

Accordingly, allowance of claims 1-3, 5-10 and 12 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same. Furthermore, the Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

Siyu Ye et al.

SEED Intellectual Property Law Group PLLC


Emily W. Wagner
Registration No. 50,922

EWW:cw

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

851939_1.DOC